



Southern Region Review



A Monthly Publication of the U.S. Army Southern Regional Environmental Office

October 2002

REGION 4 EDITION

CONTENTS

This publication provides current information on environmental actions and events in the Federal EPA Region 4 area (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee) that may be relevant to U.S. Army activities and operations. Its purpose is to keep Army environmental decision-makers, planners and program managers abreast of developments important to their responsibilities. We encourage feedback and welcome suggestions for expanded or improved coverage. Please contact us at: U.S. Army Environmental Center, Southern Regional Environmental Office, Attn: SFIM-AEC-SR, 101 Marietta Street, NW, Suite 3120 Atlanta, GA 30303-2711 Phone 404-524-5061 x275 Fax 404-524-5162 or at sreo@sreo.army.mil. For additional sources of information, please contact the Army Environmental Center <http://aec.army.mil>

SOUTHERN REGIONAL ENVIRONMENTAL OFFICE PERSONNEL DIRECTORY

Main Office Number 404-524-5061

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Region 4 REC	ext 228
Region 4 Counsel	ext 287
Environmental Coordinator	ext 274
Project Manager	ext 284
Environmental Specialist	ext 275
Administrative Assistant	ext 297

ANNOUNCEMENTS



NOTE: The Southern Region Environmental Review is now available in an electronic version only. If you would like a hard copy, please contact us at environmental.specialist@sreo.army.mil.

EPA's Watershed Initiative: Call for Nominations • EPA is launching a new grant program to encourage the protection and restoration of our country's water bodies through the use of watershed approaches. The President's fiscal year (FY) 2003 budget, which is now before Congress, incorporates a request for \$21 million for this Watershed Initiative. Subject to the availability of appropriations for this purpose, EPA plans to select through a competitive process up to 20 watersheds throughout the country for grants to support promising watershed-based approaches to clean water. This notice sets forth the process that will be used for selecting the watersheds and serves as the call for nominations from Governors and Tribal Leaders. Governor or Tribal Leader nominations must be postmarked and received electronically by EPA on or before November 21, 2002. FOR FURTHER INFORMATION CONTACT: Carol Peterson, telephone: 202-566-1304; e-mail: peterson.carol@epa.gov or one of the regional contacts listed in section VI of the SUPPLEMENTARY INFORMATION section below. Additional information and any updated guidance will be posted on the Watershed Initiative's website at <http://www.epa.gov/owow/watershed/initiative/>

RELEASE OF ARAMS 1.0 • The Army Risk Assessment Modeling System (ARAMS) is a software support tool being developed for the Army for the purpose of assessing human and ecological health impacts/risks associated with exposure to military relevant compounds (MRCs). ARAMS will aid in evaluating baseline risks, determining cleanup target levels, and comparing risks for various action alternatives. ARAMS is based on the widely accepted risk paradigm that integrates exposure and effects assessments to characterize risk. Data and models for exposure

assessment, which include contaminant source release or contamination level, multimedia fate/transport, receptor exposure pathways, and receptor intake/uptake, are linked to databases, and in some cases models, for effects assessment. ARAMS is being developed to allow for both screening-level (lower-order) and focused (i.e., comprehensive or higher-order), site-specific, baseline and predictive risk assessments. ARAMS can be downloaded from its website, <http://www.wes.army.mil/el/arams/arams.html>. Updated versions of ARAMS with new features are planned for each year, and minor modifications of the most recent release version may be posted to the Web site intermittently for download as necessary. Users will be notified of updates if they join the list server. For more information on ARAMS, contact Dr. Mark Dortch at ERDC, phone 601-634-3517, or by email at Mark.S.Dortch@erdc.usace.army.mil.

CONFERENCES AND EVENTS



Event	Date	Where	Information
2002 DoD Solid Waste/Recycling Workshop, WASTECON 2002¹	October 28-31, 2002	Long Beach, California Long Beach Convention Center	WASTECON hosts technical sessions on a variety of topics, exhibits from over 250 vendors, and a large section of high quality training opportunities! Visit the SWANA Web site for more information, or the Navy Recycling Web site . For More Information Call 1(800) GO- SWANA
Georgia Environmental Law Compliance Course	October 30-31, 2002	Atlanta, GA	Learn how to minimize regulatory burden, increase operational flexibility with advanced permitting strategies, protect your organization – and yourself – from liability and lawsuits with information regarding current developments. For more information call (301) 921-0264 or online at www.govinst.com
Department of Defense 2002 Maintenance Symposium and Exhibition¹	October 28-31, 2002	Reno, NV	The symposium is uniquely focused on DoD weapon system and equipment maintenance. DoD is seeking to develop programs that afford faster, better, and less costly support operations. This symposium brings together government and industry maintenance managers of all ranks and levels that represent the full range of maintenance operations within both DoD and industry. To receive printed materials, call (724) 772-7131, or e-mail meetings@sae.org . Information on the DoD maintenance symposium is updated continually and is available online at http://www.sae.org/calendar/dod/index.htm .
DoD AMERICAN INDIAN CULTURAL COMMUNICATION COURSE	October. 29- November. 1, 2002	Ft. Sill, OK	This course is designed to help staff at DoD facilities understand the DoD American Indian/Alaska Native Policy and how to implement it at their site. The instruction is spread over three and a half days, and special events are scheduled outside of class time. The course is taught by American Indian trainers, and DoD and American Indian panelists. To register, EMAIL - donata@mindspring.com . Provide name, job title, email address, phone, fax, installation name, (or federal/state/local agency or organization).
Hazardous Waste Operations (HAZWOPER)/Site Restoration	November 4-8, 2002	Oklahoma City, OK	The course is for those personnel involved in hazardous waste site investigation, cleanup and remediation/restoration; and for environmental management personnel who may perform site investigations. To register for this class, http://www.envtraining.com/new_page_2.htm , or call 888-408-0700 ext 406

Event	Date	Where	Information
ITRC's 2002 Fall Meeting	November 5-8, 2002	Washington, DC	ITRC's Fall Meeting will be a time to focus inward on our organization to harness the enthusiasm of our members, continue to build the excellence of our products and services, and further the enrichment of the environmental community. <i>Register through our Web site at www.itrcweb.org by October 4.</i> Travel information and the current agenda are enclosed. Please refer back to our Web site for agenda updates.
DoD Region 4 Environmental Management Systems Implementation Training	November 6-7, 2002	Atlanta, GA	DoD Region 4 Environmental Management Systems Implementation Training Contact: Hoge Green, US Army Environmental Policy Institute 404-524-5061 or Tim Piero, Kentucky Pollution Prevention Center 502-852-0743. Visit www.kppc.org to pre-register. Deadline for pre-registration for this training was September 30
U.S. Green Building Council Host International Green Building Conference	November 13-15, 2002	Austin, TX	FEMP is pleased to be part of the First Annual International Green Building Conference EXPO. This conference will help promote leading edge green technologies in the building industry. For complete conference information please see the USGBC web site at www.usgbc.org
National TMDL Science and Policy Conference¹	November 13-17, 2002	Phoenix, AZ	Sponsored by WEF, ASIWPCA, with the support of EPA, USGS, America's Clean Water Foundation, and Federal Advisory Committee on Water Information this conference will provide a forum for discussion and information exchange on issues encompassed by the Total Maximum Daily Load (TMDL) process. It will include oral presentations, panel discussions, and workshops. Potential speakers are invited to submit an abstract for consideration. Abstracts authored by state and tribal officials and case studies are especially encouraged. For more information: http://www.wef.org/conferences/
Florida Remediation Conference	November 20-21, 2002	Orlando North Maitland, FL	For general questions regarding the 2002 Florida Remediation Conference including attending, exhibiting or sponsoring an event, call (407) 671-7777, toll free 1-800-881-6822, or email mreast@worldramp.net
Clean Site Closure	November 19-20, 2002	Oak Ridge, TN	The course will first provide a regulatory overview of the closure and post-closure care requirements of the Resource Conservation and Recovery Act (RCRA) and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Contact: registrar@rtii.org (706) 951-5685 For more course information: http://www.rtii.org/courses/etmd353.htm#siteclose
SERDP/ESTCP Partners To Host Annual Symposium and Workshop	December 3-5, 2002	Washington, DC	The Strategic Environmental Research and Development Program (SERDP) and the Environmental Security Technology Certification Program (ESTCP) are announcing their 2002 Partners in Environmental Technology Technical Symposium & Workshop. The theme this year is "Meeting DoD's Environmental Challenges," and the technical program will feature comprehensive sessions illustrating how SERDP and ESTCP are assisting the Department of Defense in addressing increasingly complex environmental challenges. For more information e-mail partners@hgl.com or call (703) 736-4548.

Event	Date	Where	Information
ITRC UNVEILS UXO BASIC TRAINING COURSE	December 10-11, 2002	Monterey, CA	The training focus is on educating people working on or concerned about identifying, investigating, and cleaning up sites contaminated with military explosive munitions, which may pose a danger to the public. XO Basic Training promises to enhance the investigation and effective responses to UXO-contaminated sites located in every state of the union. ITRC's Basic. For more information and to register, please see the ITRC Web site at www.itrcweb.org or contact Stacey Kingsbury at stacey_kingsbury@wpi.org .
EPA UXO Course	October 29-31, 2002 January 28-30, 2003	Boston, MA San Francisco, CA,	To provide an overview of technical training essential to project managers involved in the investigation and cleanup of ordnance and explosives at CTT ranges, and other closed or closing ammunition sites such as ammunition depots, storage areas, and manufacturing areas. The training is intended to give technical project managers enough knowledge of OE issues to prepare for, plan and conduct an OE investigation. The Systematic Planning Process (SPP) is emphasized as a model for project planning. Murray Newton Newton.Murray@epamail.epa.gov Tel: (703)-603-8704, Margaret Clark clarkmar@versar.com Tel: (703)-642-6847
23rd Army Science Conference¹	December 2-6, 2002	Orlando, FL	The 23rd Army Science Conference (ASC) is sponsored by the Assistant Secretary of the Army (Acquisition, Logistics and Technology) (ASA(ALT)). The theme for this year's conference is "Transformational Science & Technology for the Army...a race for speed and precision." There is also a Call for Papers. Abstracts are due July 17, 2002 and will be submitted to the Army Science Conference Website: www.asc2002.com . See the website for additional information. TMC Design Corporation, telephone (757) 357-4011, fax (757) 357-5108, or e-mail: asc2002info@aol.com
2002 Ground Water Expo	December 9-12, 2002	Las Vegas, NV	The National Ground Water Association's 2002 Ground Water Expo promises education and networking opportunities for ground water professionals around the world. Premiering this year will be a unique series of technology demonstrations sponsored by The HDD Well Team of Arvada, Colo., to showcase the latest in ground water monitoring equipment. Julie Shaw, NGWA, phone: 1-800-551-7379 email: jshaw@ngwa.org
ITRC UXO Basic Training¹	December 10-12, 2002	Monterey, CA	UXO Basic Training is a full two-day, entry-level course designed to provide a solid overview of key environmental issues associated with ordnance and explosives cleanup. To register, please either go on-line to the ITRC website (www.itrcweb.org) and navigate to Classroom Training and use the UXO Basic Training link, or call Eileen O'Toole at 540-557-6007 if you can't register on-line. Training fees are \$500 for industry and consultants, and \$100 for federal agencies except for Department of Defense and military service employees (for whom a certain number of slots are available on a first come basis). ITRC will cover the fee for state regulators, stakeholders and tribal members. Stacey Kingsbury, phone (540) 557-6065 or stacey_kingsbury@wpi.org Or go to http://www.itrcweb.org/
29th Environmental and Energy Symposium & Exhibition	7-10 April 2003	Richmond, VA	The symposium will provide a national forum for the exchange of technical information, government policy, regulations, programs and law; and new ideas on environmental and energy issues and areas of concern. For hotel, abstract topic list and other conference information click on the following link: http://register.ndia.org/interview/register.ndia?~Brochure~3440 Or contact Derek Jenks at djenks@ndia.org .

Event	Date	Where	Information
Real World Clean Air	20-22 May, 2003	Seattle, WA	For more info contact 937-254-7950 or http://www.usasymposium.com



DOD News

Workshop on Improved Native Grasses: New Tools for Range Managers • At a recent workshop in Colorado Springs, CO, range managers discussed methods for fighting invasive weeds and learned about improved grasses that establish rapidly, compete with invasive weeds, and are more resistant to land disturbances caused by military training activities. The grasses, adapted to the western United States, were developed from native and introduced grasses already growing on Yakima Training Center in Yakima, WA, and Fort Carson, CO. The project was funded by the Strategic Environmental Research and Development Program (SERDP). The intent of the workshop, hosted by Fort Carson and the U.S. Air Force Academy, was to help land managers choose native herbaceous plants to rehabilitate sites, reduce soil erosion, and increase training opportunities. In addition to discussion of the new germplasms themselves, the workshop examined techniques to successfully establish natives and reduce invasive weeds. Workshop participants from the Army, Navy, Air Force, National Guard Bureau, USDA, Department of Interior, the National Park Service, and regional and state organizations have many problems in common. Western rangelands are typically dry, with annual precipitation from 4 to 12 inches. A report of the workshop, including information on the new germplasms, is available as a Special Report from ERDC-CRREL in Hanover, NH. For information, contact Antonio J. Palazzo, 603-646-4374, Antonio.J.Palazzo@erdc.usace.army.mil.

Modling Fog Oil Dispersion During Training • A web-based model to predict the dispersion of fog oil smoke is available on CD from the U.S. Army ERDC. The model is built on the Defense Threat Reduction Agency (DTRA) program called Hazard Prediction and Assessment Capability (HPAC) that allows users to model the dispersion of several dangerous materials. HPAC runs on a desktop personal computer under the MS Windows® operating system. ERDC has characterized the most commonly used Smoke and Obscurant (SO) material, fog oil, in HPAC terminology, to predict the SO dispersion characteristics in various training scenarios that might have an effect on natural resources at DoD installations. To make the configuration user-friendly, a web interface version of HPAC with a modifiable fog-oil component was implemented and can be applied at any installation. The web-based format allows for easy integration of additional models as they become available. For more information, please contact Robert Lozar at ERDC-CERL, 217-352-6511, ext. 6367, Robert.C.Lozar@erdc.usace.army.mil.

Land Management Applications for Classified/Declassified Imagery • High-resolution space (i.e., spy satellite) imagery has been used to sense the earth's surface for well over four decades. The archival portion of this historic record represents a unique resource documenting land cover anywhere in the world and is available to Army Land Managers for uses such as finding the locations of abandoned firing ranges, fire burn history, former building locations, habitat change trends, undocumented disposal sites, land use changes near the installations, wetlands location and extent. The DoD program Legacy of Natural Resources funded research into the potential application of this technology for military lands management. Over two dozen installations identified their most desired uses and follow-up documents show how these images can be applied to those uses with techniques ranging from simple image examination to the application of sophisticated GIS and Remote Sensing techniques. Two technical reports describe the techniques and a two CD ROM set shows examples of the imagery and applications (with sophisticated browsers included). This newly emerged technology opportunity can be easily integrated into the existing installation GIS operating environment. For more information, please contact Robert Lozar at the ERDC, 217-352-6511, ext. 7367, Robert.C.Lozar@erdc.usace.army.mil.



STUDIES AND REPORTS

Arsenic Treatment Technologies for Soil, Waste, and Water (EPA 542-R-02-004). • This new report available from EPA's Technology Innovation Office (TIO) contains current information on the treatment technologies for wastes and environmental media containing arsenic. It summarizes information on 13 technologies used to treat arsenic, identifies sites and facilities where arsenic treatment has been used, and provides references to more detailed arsenic treatment information. The information can be used to help identify and screen treatment technologies that can meet the lower arsenic maximum contaminant level (MCL). The technologies included in the report to address soil and solids are: solidification/stabilization, vitrification, soil washing/acid extraction, pyrometallurgical treatment, and in situ soil flushing. Technologies for water include: precipitation-coprecipitation, membrane filtration, adsorption, ion exchange, permeable reactive barriers, and biological treatment. Two technologies discussed in the report address soils, other solids, and water: electrokinetics and phytoremediation (September 2002, 200 pages). View or download at <http://clu-in.org/arsenic/>.

Systematic Approach to In Situ Bioremediation: Nitrates, Carbon Tetrachloride and Perchlorate (ISB-8). • This document was produced by the Interstate Technology and Regulatory Council (ITRC). It describes what information is needed for any ISB evaluation; provides a flow diagram that defines the primary decision points; and provides characteristics used to evaluate monitored natural attenuation or enhanced ISB application as remediation options. Examples of how to apply this document, including respective decision trees, for nitrate, carbon tetrachloride, and perchlorate are included (August 2002, 158 pages). View or download at <http://www.itrcweb.org/user/isb-8.pdf>.

Technical Approaches to Characterizing and Redeveloping Brownfields Sites • Municipal Landfills and Illegal Dumps (EPA 625-R-02-002). The guidance document gives assistance to communities, decision-makers, states and municipalities, academia, and the private sector to address issues related to the redevelopment of Brownfields sites, specifically municipal landfill and illegal dump sites. The document helps users to understand the problems associated with redevelopment of these sites, the sources of information, which may help to assess the sites, and the regulatory groups, which should be involved in the process. The guidance has appendices of relevant terms, references, and applicable technologies (January 2002, 70+ pages). View or download at <http://www.epa.gov/ORD/NRMRL/Pubs/625R02002/625R02002.htm>.

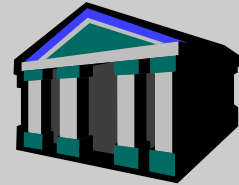
Information on Open-Path Measurement Technologies. • As part of its Monitoring and Measurement Technologies for the 21st Century (21M2) initiative, the Technology Innovation Office has developed an Internet focus area on open-path technologies. The site provides general descriptions of the technologies and identifies information resources and literature available to better understand their application. As part of the 21M2 project, TIO is helping to support several open-path field projects, and the technology focus area is intended to augment this work. The three open-path technologies featured are: UV-DOAS (Ultra-Violet Differential Absorption Spectroscopy); FT-IR (Fourier Transform-Infrared Spectroscopy); and LIDAR (Light Detection and Ranging). The new "Open Path Technologies" Focus Area is located on the 21M2 Internet site at <http://clu.in.org/21m2/> under "Technology Focus Areas".

Superfund Remedy Decisions Internet Web Page. • This site was developed by the U.S. EPA Office of Emergency and Remedial Response. It provides a comprehensive compilation of all remedy-related guidance and policy documents that deal with CERCLA remedy decisions. While this page provides information specifically geared to CERCLA actions it may also provide information of use under other cleanup programs. See <http://www.epa.gov/superfund/action/guidance/remedy/index.htm>.

Simulating Arid Biomass Using High-Resolution Imagery • A new technique exploits emerging, high-resolution satellite and airborne sensors to produce accurate, detailed maps of vegetation biomass in arid and semi-arid landscapes. Funded by the Strategic Environmental Research and Development Program (SERDP), this approach shows that strong statistical relationships exist between the amount of standing woody biomass and the area of shrubs as discerned from high-resolution remotely sensed imagery. The approach incorporates a model to estimate

total standing woody biomass for individual shrubs using a combination of non-destructive field measurements and the high-resolution images. Basic modeling involves the regression between the log of the field-measured biomass and the log of the shrub area extracted from the high-resolution imagery. Using this method, researchers at the Marine Corp Air Ground Combat Center (MCAGCC) at Twenty-nine Palms, CA, illustrate that standing biomass can be estimated, and monitored for change over time. Work in this area will help eliminate the need for costly and destructive field sampling methods, while providing land managers with the ability to estimate and monitor biomass across large geographic extents and over extended periods of time. For more information, please contact Scott Tweddale at the U.S. Army ERDC, 217-352-6511, ext. 7409, Scott.A.Tweddale@erdc.usace.army.mil.

FEDERAL - NOTICES AND RULEMAKING



CAA

Control of Emissions from Nonroad Large Spark-ignition Engines, and Recreational Engines (Marine and Land-based) (EPA Recent Additions) In advance of publication in the Federal Register, EPA has announced adoption of emission standards for several groups of nonroad engines that have not been subject to EPA emission standards. These engines are large spark-ignition engines such as those used in forklifts and airport ground-service equipment; recreational vehicles using spark-ignition engines such as off highway motorcycles, all-terrain vehicles, and snowmobiles; and recreational marine diesel engines.

EPA is adopting a two-phase program for Large SI engines. In 2004 EPA will require engines to comply with standards that are the same as those adopted by the California Air Resources Board for 2004 phase-in. In 2007, EPA will set limits that will require optimizing the same technologies and will base emission measurements on a transient test cycle, adopt evaporative emissions standards, and engine diagnostics standards.

EPA is adopting separate emission standards for recreational vehicles including snowmobiles, off-highway motorcycles, and all-terrain vehicles. For the purpose of this rule, EPA is calling this group of engines "recreational vehicles," even though the rule covers all-terrain vehicles used for commercial purposes. These standards phase-in between 2007 and 2012. EPA is adopting separate emission standards recreational marine diesel engines over 37 kW including engines used in yachts, cruisers, and other types of pleasure craft. These standards phase-in between 2007 and 2009. EPA, Office of Transportation and Air Quality, Assessment and Standards Division hotline, (734) 214-4636, asdinfo@epa.gov <http://www.epa.gov/otaq/cleanrec.htm>

Standards of Performance for Bulk Gasoline Terminals and National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) (67 FR 59433; Sept. 20, 2002)

EPA is proposing a new rule for National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations). The proposed amendments would provide an opportunity to use alternative leak test procedures for railcars, a clarification on monitoring flares and thermal oxidation systems, an alternative recordkeeping requirement for tank trucks and railcars, and the use of flare design specifications. Per 40 CFR 60.501, Definitions. 'Bulk gasoline terminal' means any gasoline facility which receives gasoline by pipeline, ship or barge, and has a gasoline throughput greater than 75,700 liters (20,000 gallons) per day. Gasoline throughput shall be the maximum calculated design throughput as may be limited by compliance with an enforceable condition under Federal, State or local law... Comments are due November 19, 2002. Further Information: Stephen Shedd, EPA, Research Triangle Park, NC, (919) 541-5397, shedd.steve@epa.gov.

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr20se02-34

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr20se02-34.pdf

Metal Finishing Facility Risk Screening Tool (67 FR 59059; Sept. 19, 2002) EPA is announcing availability of a final Metal Finishing Facility Risk Screening Tool (MFFRST): Technical Documentation and User's Guide (EPA/600/R-01/057, July 2001) and a CD-ROM of the same title (EPA/600/C-01/057) The CD-ROM version includes a pc-based software product titled, MFFRST that allows evaluation of potential exposures and health risks to workers and nearby residents from metal finishing facility emissions, using commonly available EPA procedures. Air emissions (from stacks to the outdoor environment and fugitive emissions from indoor sources) from routine operations are the only emissions considered in MFFRST. Further research efforts have been initiated to evaluate other waste streams, including wastewater and sludge. A limited number of the CD-ROMs will be available from EPA's National Service Center for Environmental Publications (NSCEP) in Cincinnati, Ohio, 1-800-490-919. The software and documentation is also available at: <http://www.epa.gov/ncea/mffrst.htm>. Potential interest to air program and safety managers. Further Information: Matthew Lorber, EPA, Washington, DC, (202) 564-3243, lorber.matthew@epa.gov.

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr19se02-45

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2002_register&docid=fr19se02-45.pdf



STATES

ALABAMA

Proposed Rules

Adoption of Federal CAA Rules (335-3-8, 335-3-10, 335-3-11, and 335-3-16) The Alabama Department of Environmental Management (ADEM) is proposing to adopt federal air regulations published between 09/27/01 and 04/11/02 inclusive. The amendments include: (1) NO_x Allowance Tracking System; and (2) NSPS and NESHAPs for hazardous waste combustors. <http://www.adem.state.al.us/Public%20Notice/Apr/Permit/4Div3.htm> Contact: Lynn Garthright (334) 271-7878

Permit application fees. (Ch. 335-1-6) The ADEM is proposing to increase its various permit fees. The increased fees include: (1) water quality certification and project reviews for commercial or residential development; (2) coastal use permits for construction on beaches or dunes; (3) project review for groundwater extraction from a well having a capacity of 50 gallons per minute or more; (4) hazardous waste permits; (5) initial registration for wastewater discharge permits; (6) class V injection wells; (7) initial registration for water supply permits; (8) solid waste permits; and (9) a new fee schedule for construction stormwater permits.

<http://www.adem.state.al.us/PublicHearings/PubHearings.htm> Contact: Mr. Russell Kelly (205) 271-7771

Operator Certification/Wastewater (Div. 335-10-1) The ADEM is proposing to amend its water and wastewater treatment system operator certification requirements. The amendments include: (1) definition of "working experience;" (2) requirement that Grade III wastewater treatment plants must have a certified operator of the same grade or higher present at the plant for a minimum of one 8-hour workshift during the daytime hours of plant operation, five days a week; (3) maintenance of a permanent record of staffing at all Grade I & II wastewater treatment plants and at all Grade II water treatment plants or well sites; (4) specification of how many hours of training may be substituted for experience; (5) requirement that operators may only hold one water and one wastewater certificate; and (6) revocation of certification for operators that consistently fail to submit operational data as required by the Department. <http://www.adem.state.al.us/PubHearings/Div10/D10Chapter1%20PROPOSED.doc> Contact: Diane McKeithen (334) 394-4344

Air Standards for combined-cycle electric generating units/ NO_x (Chapters 335-3-8-.150) The ADEM is proposing a new rule establishing nitrogen oxides standards for combined-cycled electric generating units starting operation on or after 04/01/03. <http://www.adem.state.al.us/PubHearings/Div3/Div3Chapter8%20PROPOSED.doc> Contact: Lynn Garthright (334) 271-7878

Final Rules

Drinking Water/Well Standards (Chapter 40E-3 F.A.C.) The South Florida Water Management District has withdrawn amendments to its regulation of water wells to reflect new legislation. The amendments would have included: (1) violations of contractor's license and penalties; (2) required permits; (3) exemptions; (4) permit exceptions and variances; (5) application content; (6) conditions for issuing a permit; (7) permit duration; (8) well completion reports; (9) inspection; (10) construction methods; (11) location; (12) casing and liner pipe standards; (13) well construction requirements; (14) grouting and sealing; (15) explosives; (16) flowing wells; and (17) plugging abandoned wells. Staff indicates these rules have been withdrawn from consideration. Register page 426 (Page 48 of 223 in the Adobe Acrobat file) <http://faw.dos.state.fl.us/newfaw/FawVolumeFolders2002/2805/2805.html> Contact: Julie Jennison (561) 682-6249

Drinking Water (Rules 64E-8.002 -- 8.005, 8.008 F.A.C.) The Florida Department of Environmental Protection (FLDEP) adopted amendments to remove the water system construction requirements from Chapter 64E-8 F.A.C. and refer to the Department of Environmental Protection's Chapter 62-532 F.A.C. construction requirements for limited use water systems. The Department adopted the amendments effective 10/07/02. Register page 2791 (Page 15 of 71 in Adobe Acrobat file): <http://faw.dos.state.fl.us/newfaw/FawVolumeFolders2002/2826/2826doc.pdf> Contact Pepe Melendez (850) 245-4240

Waste/Generator Requirements (Rules 62-730.150, .900 F.A.C.) The FLDEP adopted a compliance assistance pilot program (CAPP) addressing solid and hazardous wastes generated during the act or process of repairing or modifying the mechanical components of automobiles or light trucks. The purpose of the CAPP is to: (1) provide detailed, focused written and electronic informational materials; (2) to collect information on current waste management practices; (3) to optimize the Department's compliance resources; and (4) to develop performance measures for determining the impact of the program. Effective October 10, 2002. <http://tlhora6.dep.state.fl.us/onw/publications/8-Notice7-9-02.pdf> Contact: Michael Redig (850) 921-9247

Proposed Rules

Tanks/Operation Requirements (Chapter 62-761 F.A.C.) The FLDEP is drafting potential changes to the petroleum storage tank systems. The rule will include, but will not be limited to: (1) updating reference standards; (2) providing release detection for underground storage tanks used for standby power generation; and (3) simplifying and reorganizing the rule. Contact John Svec (850) 488-3935

Water/Watershed Management (Chapter 62-40 F.A.C.) The FLDEP completed its 2001 Florida Water Plan and now has drafted amendments to its water resource implementation rules under Chapter 62-40 F.A.C. These rules require that the Department's Office of Water Policy (OWP) coordinate with the Office of the Governor, Florida's five regional water management districts (WMDs), and other agencies to resolve statewide water resource planning and management issues. The following topics in Chapter 62-40 F.A.C. are being considered for amendment: (1) state and district water management plans; (2) regional water supply planning; (3) minimum flows and levels; (4) drought response; (5) water conservation; (6) watershed planning programs; (7) encouragement of the use of local sources of water; (8) protection of public lands in the water use permitting process; and (9) further emphasis on the reuse of reclaimed water. Water plan: <http://www.dep.state.fl.us/water/waterpolicy/docs/FWP%20Dec%202001--DO%20NOT%20EDIT.pdf>

Draft amendments: <http://tlhora6.dep.state.fl.us/onw/publications/2-62-40RuleNoticewithruletextRevisedJuly2DT.pdf> Contact: Arnetria Thomas (850) 488-0784

Phase II stormwater permits and fees (Chapters 62-4, 62-620, 62-621, 62-624 F.A.C.) The FLDEP is preparing regulations to implement Phase II of USEPA's stormwater program. The proposed elements of Phase II include: (1) fees for activities regulated under the NPDES stormwater program related to construction and municipal separate storm sewer systems (MS4s); (2) generic permits; (3) federal materials incorporated by reference; and (4) regulation of small Municipal Separate Storm Sewer Systems (small MS4s). The Department has released a draft copy of its rules. The Department expects to have Phase II regulations (and permits) in place by December 2002 that will closely track the Federal regulations. <http://www.dep.state.fl.us/water/stormwater/npdes/#PII%20Rules> Contact: Fred Noble (850) 921-9382

Drinking Water/ Consumer confidence reports (Rule 62-550.824, 62-550.900 F.A.C.) The FLDEP is proposing amendments to rules regulating consumer confidence reports (CCR). The amendments will: (1) clarify the reporting of analytical results; (2) require the inclusion informational and educational statements; (3) incorporate by reference the FRWA/DEP CCR Template Instructions and Template; (4) clarify reporting requirements for community water systems issued variances and exemptions; (5) revise requirements for Internet distribution of CCRs; and (6) clarify CCR distribution requirements. The Department plans to reschedule the adoption hearing because of an administrative error in giving proper notice. Staff believes the final changes will be promulgated in November 2002. Page 1108 (Page 18 of 117 of the Adobe Acrobat file):

<http://faw.dos.state.fl.us/newfaw/FawVolumeFolders2002/2810/2810.html> Contact: Mr. Gregory Parker (608) 267-3859

Water/Revisions to consumptive use (Chapter 40E-2, F.A.C.) The FL South Florida Water Management District is planning to modify and update its water use rules to reflect new legislative direction, new policy development, and regional water supply plan implementation. The amendments include: (1) artificial recharge systems in conjunction with aquifer recharge; (2) aquifer storage and recovery systems; (3) heat exchange; and (4) intentional introduction of water into underground formation, except activities under Chapter 377, Florida Statutes.

<http://www.sfwmd.gov/org/wsd/wateruse/asr.html> Contact: Julie Jennison (561) 682-6294

Water Quality Standards (Chapter 62-302 F.A.C.) The FLDEP is preparing to develop numeric nutrient criteria for Florida waters. In recognition that nutrients are a significant source of impairment of designated uses of waters, USEPA has directed states to develop numeric nutrient criteria by 2004. Florida DEP submitted its DRAFT Numeric Nutrient Criteria Development Plan to USEPA Region IV at the RTAG meeting. The strategy outlined Florida's intent to develop localized, waterbody-type specific numeric nutrient criteria, as recommended by USEPA guidance. In line with this guidance, the Department intends to start with the larger scale regions defined separately for Florida's streams/rivers and lakes and as a starting point for development of regionalized criteria.

<http://www.dep.state.fl.us/water/surfacewater/meeting.htm> Contact: Mellini Sloan (850) 921-5361

GEORGIA

Proposed Rules

Air/CAA NAAQS for Ozone The Georgia Department of Natural Resources (GA DNR) Environmental Protection Division (EPD) is recommending that USEPA list eight counties as in non-attainment for the 8-hour ozone National Ambient Air Quality Standards (NAAQS). The counties would be added to the existing 13-county metro Atlanta non-attainment area. The counties are: (1) Barrow; (2) Bartow; (3) Carroll; (4) Dawson; (5) Hall; (6) Newton; (7) Spalding; and (8) Walton. Contact: Marlin Gottschalk (404) 363-7028

CWA Section 303(d) List USEPA Region IV is proposing to remove waterbodies from Georgia's 303(d) List of Impaired Waters because of the receipt of more recent and accurate data. In the Flint River Basin, the waterbodies are: (1) Fishpond Drain for uncertain; (2) Pachitla Creek for biota and habitat; (3) Big Slough for uncertain; (4) Coolewahee Creek for biota; (5) River Bend (Baconton) for uncertain; (6) Lower Kinchafoonee Creek for habitat; (7) Whitewater Creek for biota; (8) Chickasawatchee Creek for biota and habitat; (9) Muckalee Creek for habitat; and (10) Camp Creek for biota and habitat. In the Chattahoochee River Basin, the waterbodies are: (1) Mossy Creek for biota; (2) Mud Creek for biota; and (3) Soque Creek for biota, habitat, and sediment. Contact: Sybil Cole (404) 562-9437

CAA I/M amendments (Rule 391-3-1-.01 --391-3-2-.03, 391-3-20-.03, 391-3-20-.06, 391-3-20-.19, 391-3-20-.21) The EPD is proposing to amend its air and inspection/maintenance (I/M) rules. The amendments include: (1) exclusion of the use of excess emission allowances where state or federal regulations specifically state that an emission standard applies during startup, shutdown, and malfunctions; (2) adoption of federal new source performance standards for commercial/industrial/solid waste incinerators; (3) adoption of federal standards for existing commercial/industrial/solid waste incinerators; (4) repeal of existing NOx emissions requirements for electric generating units when the more stringent provisions of the rule become effective 05/01/03; (5) incorporation by reference of the Permit Fee Manual for Calendar Year 2001, this manual is the same as the 2000 year with one

change; (6) elimination of the separate category for asphalt plants in fee manual, allowing these plants to use the same forms as other facilities; (7) the ability to submit Title V applications in electronic format when the Department completes the electronic version of its forms; (8) a requirement that motorists bear the costs of re-inspection for failed inspections; and (9) removal of reference to disbursement of I/M administrative fees to management contractor and the Department. The Department withdrew a portion of the proposal that would have expanded the scenarios under which excess air emissions are permissible. Contact: Ron Methier (404) 363-7000

TMDLs/ Chattahoochee and Flint River Basins (Chattahoochee and Flint River Basins) The GA DNR is proposing TMDLs for the Chattahoochee and Flint River Basins. For the Chattahoochee River Basin, the TMDLs include: (1) Chattahoochee River for fish consumption guidance for mercury; (2) Upper Chickasawhatchee for sediment; (3) Spring Creek for sediment; (4) Red Oak Creek for sediment; (5) White Creek for sediment; (6) Hazel Creek for sediment; and (7) Mineral Springs Branch for toxicity. For the Flint River Basin, the TMDLs include: (1) Avera Creek for pH; (2) Beaver Creek for fish consumption guidance for mercury; (3) Kinchafoonee Creek for fish consumption guidance for mercury; (4) Patsiliga Creek for fish consumption guidance for mercury; (5) Whitewater Creek for pH; and (6) Sweetwater Creek for pH. Written comments due 10/30/02.

<http://www.epa.gov/region4/water/tmdl/georgia/GApn83002.htm> Contact: Sybil Cole (404) 562-9437

Water Quality Standards (Rule 391-3-6-.03) The Department is proposing regulations regarding water quality standards. The amendments include: (1) add a definition of "marine waters;" (2) a human health fish tissue mercury standard, in accordance with USEPA January 2001 guidance, for deriving a water body trophic-weight residue value; (3) adoption of USEPA's bacteria standard using e. coli as the indicator species; (4) clarification when standard exceedances are not violations; (5) a requirement that water quality samples used in listing or delisting impaired waters must comply with state and USEPA's requirements and be performed by a qualified person or laboratory; (6) amend temperature statement for West Point Lake to make it consistent with references to other lakes; and (7) amendments to streamflows for consistency. The Department will hold a public hearing 11/18/02. Written comments are due 11/18/02. The GA DNR will meet 12/04/02 to review the proposed rule.

http://www.ganet.org/dnr/envIRON/rules_files/propose_files/391-3-6_rul.pdf Contact: Alan W. Hallum (404) 656-4708

Drinking Water Standards (Ch. 391-3-5) The Department is proposing to adopt federal drinking water standards. The federal standards include: (1) source water assessment plans; (2) arsenic maximum contaminant level; (3) consumer confidence reports; (4) consumer notification requirements; (5) radionuclides requirements; (6) filter backwash rule; (7) turbidity sampling; (8) wellhead protection; and (9) reporting requirements. The Department will hold a public hearing 11/04/02. Written comments are due 11/04/02. The Board of Natural Resources will meet 12/04/02. http://www.ganet.org/dnr/envIRON/rules_files/propose_files/391-3-5_rul.pdf Contact: Tamara Frank (404) 651-6830

CAA NESHAPS (Rule 391-3-1-.01, .02, .15 and 391-3-20.04, .17) The Department is proposing amendments to adopt federal air standards. The amendments include: (1) an effective date of 09/25/02 for its procedures for testing and monitoring sources (PTM); (2) NESHAPs for polyvinyl chloride and copolymers production; (3) NESHAPs for primary copper smelting; (4) NESHAPs for catalytic cracking, catalytic reforming, and sulfur plant units in petroleum refineries; (5) NESHAPs for wet formed fiberglass mat production; (6) NESHAPs for large appliances surface coating operations; (7) NESHAPs for metal coil surface coating operations; (8) NESHAPs for leather finishing operations; (9) NESHAPs for cellulose products manufacturing; (10) NESHAPs for tire manufacturing; (11) a formal addition of a one-year grace period into the transportation conformity rule; (12) removal of an outdated reference date in the onboard diagnostics regulations; and (13) set the repair waiver limit at \$658 for test year 2003. Written comments are due 10/29/02. The Department will hold a public hearing 10/29/02. The GA DNR will meet 12/04/02. Contact: Ron Methier (404) 363-7000

RCRA Adoption of Federal Hazardous Waste Standards (Rules 391-3-11-.02, -.07, -.10, -.11, -.16) The Department is proposing to update its hazardous waste regulations to include the most recent federal amendments. The amendments include: (1) corrective action management unit rule; (2) amendments to NESHAPs for hazardous waste incinerators; (3) clarifying revisions to the mixture rule; (4) listing of chlorinated aliphatics production waste; and (4) vacatur of waste classification for mineral processing characteristic sludges and byproducts being reclaimed. The Department will hold a public hearing 10/31/02. Written comments are due 10/31/02. The GA DNR will meet 12/04/02 to review the rule. Contact: Shirley Dutton (404) 657-8657

KENTUCKY

Proposed Rules

CWA NPDES Permits (401 KAR 5:002, 5:050, 5:055, 5:057, 5:060, 5:070, 5:075) The Kentucky Department of Environmental Protection (KDEP) is proposing amendments to its regulations regarding National Pollutant Discharge Elimination System (NPDES) discharge permits to make them compatible with the corresponding federal regulations. The amendments include: (1) adoption of federal definitions found in 40 C.F.R. Parts 116, 130, 136, and 401-471; (2) treatment levels and effluent limits; (3) pretreatment requirements; (4) permit application requirements; and (5) permit conditions. The Department will hold a public hearing 10/22/02, if interested parties notify the Department of their intent to attend by 10/15/02. Written comments are due 10/15/02 if there is no hearing or 10/22/02 if there is one. Contact: Jeffrey W. Pratt (502) 564-3410

CAA NOx (401 KAR 51:001, 51:160) The KDEP is proposing amendments to further implement the NOx SIP Call. The amendments include: (1) new and amended terms to implement auctioning of NOx allowances; (2) general provisions for NOx budget units that start commercial operations after 05/01/01; (3) revisions to the NOx allowance allocation methodology; and (4) removal of provisions which are incorporated by reference which govern the allocation of NOx allowances to NOx budget units. The Administrative Regulation Review committee met on 10/8/02 to review the rule. Contact: Millie Ellis (502) 573-3382

Cleanup/Brownfield (401 KAR 100:005, 100:100) The KDEP is proposing regulations to implement a voluntary remediation program to encourage the clean up of contaminated properties. The proposed regulation would establish the definitions, general provisions, and implementation for the program, including remediation standards and requirements for the remediation party and the state. Written comments were due 08/28/02 at the public hearing. The Administrative Regulation Review Subcommittee is scheduled to meet 11/12/02 to review the rule. Contact: Michael Mullins (502) 564-6716 ext. 282

MACT/Air Toxics (401 KAR 63:105) The KDEP Department is proposing to amend its Maximum Achievable Control Technology (MACT) standards to adopt regulations regarding case-by-case MACT determinations for sources without MACT standards. <http://www.nr.state.ky.us/nrepc/dep/daq/pubinfo/63-105-Amendment.pdf> Contact: Carl Millanti (502) 573-3382

MISSISSIPPI

Final Rules

Water Quality Standards/TMDLs USEPA Region IV has adopted TMDLs for the Bernard Bayou, and Industrial Seaway, for organic enrichment, dissolved oxygen, and nutrients. The Bernard Bayou and Industrial Seaway is in Harrison County with part of the watershed extending into Stone County.

USEPA Region IV is re-issuing the proposed TMDLs for the Back Bay of Biloxi, Bernard Bayou, and Industrial Seaway. The TMDLs include: (1) Back Bay of Biloxi and coastline for pathogens; (2) Bayou Casotte for priority organics, metals, unionized ammonia, and total toxics; (3) Bernard Bayou for pathogens, priority organics, and total toxics; (4) Big Lake for pathogens; (5) Biloxi Bay for pathogens; (6) Heron Bayou for pathogens; (7) Industrial Seaway for priority organics and total toxics; (8) Old Fort Bayou for pathogens; (9) Tidewater Bayou for unknown toxicity, pathogens, and organic enrichment and low dissolved oxygen; and (10) Turkey Creek for pathogens. http://www.epa.gov/region4/water/tmdl/mississippi/coastalbasin/coastal_mississip_pi_propose_TMDL.pdf Contact: Greg Jackson (601) 961-5098

Adoption of federal CAA new source performance standards and NESHAPs (APC-S-1) The Mississippi Department of Environmental Quality (MDEQ) adopted by reference federal new source performance standards and NESHAPS regulations published after 02/24/00. The federal performance standards include: (1) municipal solid waste landfills; (2) small municipal waste combustion units; (3) large municipal waste combustion units and (4) commercial and industrial solid waste incinerators. The federal NESHAPs include: (1) secondary aluminum production; (2) group I and IV polymers and resins; (3) polyether polyols production; (4) pharmaceutical production;

(5) pulp and paper industry; (6) chemical recovery combustion for kraft, soda, sulfite, and stand-alone semi-chemical pulp mills; (7) aerospace manufacturing and rework facilities; (8) synthetic organic chemical manufacturing industry; (9) ferroalloys production: ferromanganese and silicomanganese; (10) vegetable oil production: solvent extraction; and (11) nutritional yeast manufacturing. The Department is also making nonsubstantive changes to clarify language and organization. The regulation will also allow the use of any credible evidence for determining compliance. The Department adopted the regulations effective 9/27/02. Contact: Danny S. Jackson (601) 961-5225

Proposed Rules

RCRA Hazardous Waste Management Regulations (Part 260 et seq.) The MDEQ is proposing to adopt USEPA hazardous waste regulations published since 03/17/00. The amendments will: (1) vacate the regulatory provisions governing the identification of organobromine production waste as listed hazardous wastes and modify the Land Disposal Restriction (LDR) treatment standards by deleting these waste and associated waste treatment standards; (2) list as hazardous two waste streams generated by the chlorinated aliphatics industry and finalize the determination not to list as hazardous four additional wastes streams; (3) defer a portion of the rule applying Land Disposal Restrictions (LDR) to constituents subject to treatment in soils contaminated with certain characteristic hazardous wastes (PCBs); (4) provide increased flexibility through regulatory change to facilities that manage low-level mixed waste (LLMW) or accelerator produced radioactive material (NARM) containing hazardous waste; (5) list as hazardous three waste streams generated by the inorganic chemical manufacturing processes and establish treatment standards under the Land Disposal Restriction (LDR) program; (6) amend the 1993 Corrective Action Management Unit (CAMU) Rule, Rule changes include restrictions on waste types allowed in CAMU's, increased design requirements, establishment of treatment standards for wastes placed in CAMUs, and requirements for additional information and public participation in CAMU applications; (7) set interim emission standards for hazardous air pollutants from incinerators, cement kilns and lightweight aggregate kilns that burn hazardous wastes; and (8) list as hazardous two waste streams generated by the paint production industry and establish treatment standards under the Land Disposal Restriction (LDR) program. The Department was scheduled to conduct a public hearing on 9/12/02. Contact Jerry Banks (601) 961-5221

CWA Water Quality Standards The MDEQ is conducting its triennial review. The Department is proposing following changes: (1) reorganizing the standards and adding section headings for improved readability; (2) under New Criteria, incorporating by reference the latest edition of USEPA's Quality Criteria for Water; (3) specifying that dissolved oxygen levels in open ocean waters cannot drop below 5.0 micrograms per liter; (4) specifying that waterbodies classified as Public Water Supply, Recreation, or Shellfish Harvesting must meet Fish and Wildlife criteria in addition to those of their respective classifications in order to support aquatic life; (5) expanding the acceptable range for pH; (6) incorporating USEPA's 1999 Ambient Water Quality Criteria for Ammonia; (7) specifying that the not-to-be-exceeded value for criteria shall be used when establishing TMDLs; (8) specifying the test method for the bacteria criterion for Public Water Supply, Recreation, and Fish and Wildlife waters; and (9) designating the following waterbodies for Recreation: Back Bay of Biloxi, Big Lake, Old Fort Bayou, Shadow Lake, and Simpson County Legion Lake. [http://www.deq.state.ms.us/newweb/opchome.nsf/pages/PublicNoticefiles/\\$file/WQStandardsDocument-FINAL%20DRAFT%20FOR%20PUBLIC%20COMMENT.pdf](http://www.deq.state.ms.us/newweb/opchome.nsf/pages/PublicNoticefiles/$file/WQStandardsDocument-FINAL%20DRAFT%20FOR%20PUBLIC%20COMMENT.pdf) Contact: Leslie Barkley (601) 961-5328

NORTH CAROLINA

LEGISLATIVE

Clean Up, Hazardous Waste, Environmental Administrative Procedures (North Carolina H.B. 1564) Final version (August 27, 2002) provides the Department of Environment and Natural Resources (DNER) with explicit authority to assess a penalty for a violation involving a voluntary remedial action under the inactive hazardous sites program conducted by a private environmental consulting or engineering firm. States the penalty cannot exceed 25,000 per day for a violation involving a voluntary remedial action implemented. Effective immediately. Sent to Governor September 26. Governor Mike Easley (D) will likely sign this bill. The Governor has 30 days to consider the measure. <http://www.ncleg.net/html2001/bills/CurrentVersion/house/hbil1564.full.html>

Land Use Growth Management (North Carolina S.B. 1252) Final version (September 25, 2002) states for any corporation that makes a qualified donation of an interest in real property located in the state during the taxable year that is useful for public beach access or use, public access to public waters or trails, fish and wildlife conservation, or

other similar land conservation purposes to be eligible for a credit against the tax imposed equal to 25% of the fair market value of the donated property interest, it must donate the interest from the property in perpetuity to and accepted by either the state, a local government, or a body that is both organized to receive and administer lands for conservation purposes and qualified to receive charitable contributions. Requires the Department to exercise its powers to protect those interests in real property donated for tax credit. Effective immediately. Governor Mike Easley (D) will likely sign this bill. The Governor has 30 days to consider the measure.
<http://www.ncleg.net/html2001/bills/AllVersions/Senate/S1252vr.html>

REGULATORY

Final Rules

Wetlands (15A NCAC 02H.1301 - .1305) The DENR has adopted temporary regulations and has approved permanent regulations to protect isolated wetlands. These regulations will establish a state permitting process for the fill of isolated wetlands in North Carolina. The regulations are a substitute for the federal section 404 permitting program invalidated by the U.S. Supreme Court in *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, 121 S.Ct. 675 (Jan. 2001). A Department permit will be needed to develop wetlands larger than 1/3rd of an acre in size if east of Interstate 95 and wetlands larger than 1/10th of an acre in size if west of the interstate. The Department's Environmental Management Commission has determined that state law does protect isolated wetlands. Elements of the permanent regulation include: (1) authority and means to delineate wetlands; (2) mitigation thresholds and ratios; (3) reference wetlands for mitigation evaluation; (4) the ability to account for wetlands values in mitigation; (5) types of general permits; (6) authority to delegate the rules to local governments; (7) definition of "isolated streams;" (8) definition of "isolated farm ponds;" (9) stream length threshold; (10) use of aquatic life as a wetland criterion; and (11) the authority to include isolated farm ponds no longer used for agricultural purposes into the program. The Rules Review Commission approved the permanent rules. Before the rules become final and effective, the General Assembly must not disapprove the permanent rules. The Department is planning for an effective date of 04/01/03 for the final permanent regulation.

<http://h2o.enr.state.nc.us/admin/pubinfo/newsrelease/Text2001/IsoWet9-13.pdf> Contact: Jeff Manning (919) 733-5083 ext. 579

CWA Wastewater Operator Certification (15A NCAC 18D.0105, .0205) The DENR adopted amendments to its water treatment facility operators' certification. The amendments include: (1) the addition of a definition of "acceptable experience;" (2) a revision of Class D-Well system (noncommunity systems) regulations to clarify that Class D-Wells are not covered by system classification regulations; (3) clarification of the type of cross-connection control devices used by water systems that would require an operator in responsible charge; (4) the circumstances that would require Department approval for operator reinstatement or further certification; and (5) clarification of the number and type of systems for which an operator can be in responsible charge. The rules became effective 08/01/02. Register page 1477 (Page 65 of 225 in the Adobe Acrobat file):

<http://oahnt.oah.state.nc.us/intranet/register/Volume16Issue14.pdf> Contact: Linda F. Raynor (919) 715-3225

Wastewater Discharge/Effluent Standards (15A NCAC 02H.0103, .0106) The DENR has approved standards for wastewater discharges associated with chemical and biological decontamination activities. The standards include: (1) discharges of decontaminated wastewater are deemed permitted in emergency situations; (2) a deemed permit for discharges associated with biological or chemical decontamination activities performed as a result of an emergency declared by the Governor or the Director of the Division of Emergency Management and that are conducted by or under the direct supervision of the federal or state on-scene coordinator; and (3) a requirement that these discharges are not radiologically contaminated. This rule was prompted by fears of foot-and-mouth disease and the potential discharges of any potential decontaminating activities. The Rules Review Commission will again review Rule .0106 at its meeting 10/17/02. If not disapproved by the General Assembly during the 2003 legislative session, the standards would become effective 04/01/03. Page 2064 (Page 10 of 80 of the Adobe Acrobat file):

<http://oahnt.oah.state.nc.us/intranet/register/Volume16Issue19.pdf> Contact: Steve Lewis (919) 733-5083

Proposed Rules

Air/CAA MACT (15A NCAC 02D.1109, 02Q.0526) The DENR is proposing to adopt the federal requirements for implementing case-by-case MACT determinations when USEPA fails to set a MACT standard in a timely manner. Register pages 224 and 228 (Pages 91 and 95 of 205 in the Adobe Acrobat file)
<http://oahnt.oah.state.nc.us/intranet/register/Volume17Issue03.pdf>
Contact: Tom Allen (919) 733-1489

CWA/Stormwater Phase II (15A NCAC 02H.0126) The DENR has drafted amendments to further implement USEPA's Phase II Stormwater Regulations. These amendments include: (1) criteria to designate certain municipalities, which are not automatically designated, subject to phase II; (2) requirements for petition submittals to designate municipalities subject to phase II; (3) post-construction run-off control criteria; and (4) storm water regulations for communities in which part is automatically designated as subject and part is not. The Department also believes that local governments can rely on the erosion and sedimentation control program (whether implemented by the local government or by state staff) to satisfy the Phase II requirement for construction site stormwater runoff control. Military bases are potentially subject to these regulations because fall into the category of "other MS4s". The Department plans to formally propose the rule by the end of 2002. The USMC submitted comments in writing on the draft amendments. http://h2o.enr.state.nc.us/su/NPDES_Phase_II_Stormwater_Program_Temp_Rule_04300_2.htm
Contact: Darren England (919) 733-5083, ext. 223

CWA Water Quality Standards (15A NCAC 2B.0208, .0211, .0212, .0214 -- .0216, .0218) The DENR is beginning its triennial review of water quality standards contained in 15A NCAC 2B.0100s, 2B.0200s, and 2B.0300s. The proposed changes from the review include: (1) USEPA's ambient water quality criteria for bacteria -- 1986 or a scientifically defensible alternative; (2) USEPA's recommended national water quality criteria or a scientifically defensible alternative for mercury, ammonia, and arsenic; (3) turbidity; (4) cyanide; (5) methylene blue active substances -- surfactants and foaming agents (MBAS); (6) total residual chlorine; (7) methyl tert-butyl ether (MTBE); and (8) proposed USEPA national nutrient criteria for lakes, streams, rivers, estuaries, and wetlands. The review will not include regulations outside these chapters, the Tar-Pimlico or Neuse River NSW Management Strategies, or pollutant management strategies. Written comments were due 8/15/02 Register page 48 (Page 52 of 116 in the electronic version) <http://oahnt.oah.state.nc.us/intranet/register/Volume17Issue01.pdf> Contact: Dianne Reid (919) 733-5083

SDWA MCL for Arsenic (15A NCAC 18C.1510) The DENR is proposing to amend the maximum contaminant level (MCL) for arsenic to be consistent with the federal standard, which was promulgated on January 22, 2002. This federal rule is applicable to community and non-transient non-community water systems and lowers the MCL for arsenics from .05mg/L to .01mg/L. The proposed changes include a new reportable level of 0.005 mg/L for certified laboratories and the MCL of 0.01mg/L. Water systems with arsenic in excess of MCL from the latest compliance sample must submit by January 1, 2005 a compliance schedule to the Division of Environment, Health, and Public Water Supply Section. Written comments were due 8/14/02. See page 128 in the register (page 20 of the PDF file). <http://oahnt.oah.state.nc.us/intranet/register/Volume17Issue02.pdf> Contact Linda F. Raynor (919) 715-3225

CAA/Visible Emissions/Opacity (15A NCAC 2D.0521) The DENR is proposing amendments to its opacity standard for all fuel burning sources and other processes that may have visible emissions. The amendments will: (1) exempt sources with more specific opacity standards from this rule; (2) specify that sources exempt from this rule still must comply with federal requirements for excess emissions; and (3) specify that sources subject to continuous opacity monitoring systems cannot exceed the opacity for more than 10 six minutes periods in any 24-hour period. Written comments were due 9/3/02 Register page 213 (Page 80 of 205 in the Adobe Acrobat file):
<http://oahnt.oah.state.nc.us/intranet/register/Volume17Issue03.pdf> Contact : Tom Allen (919) 733-1489

Groundwater/Groundwater Quality Standards (15 NCAC 2L.0202) The DENR has drafted amendments to its Groundwater Quality Standards for nine substances. The substances are: (1) benzoic acid; (2) bis(chloroethyl)ether (BCEE); (3) dibenzofuran; (4) dibromochloromethane; (5) ethyl acetate; (6) hexachlorobutadiene; (7) 2-hexanone; (8) 1,1,2,2-tetrachloroethane; and (9) 1,2,4-trichlorobenzene. The Department will accept written comments while it drafts the proposed rules. Comments were due 10/01/02. Register page 160 (Page 27 of 205 in the Adobe Acrobat file): <http://oahnt.oah.state.nc.us/intranet/register/Volume17Issue03.pdf> Contact: SDavid Hance (919) 715-6169

Air Permits (15A NCAC 2Q .0102) The DENR is planning to propose amendments to its air regulations regarding permit-exempt status. The amendments will: (1) exclude from permit-exempt status petroleum dry cleaners subject to 40 C.F.R. Part 60, Subpart JJJ; (2) clarify which sources in Mcklenburg County are ineligible for permit-exempt status; and (3) exempt fuel combustion equipment, except space heaters burning waste oil, with a heat input rating less than 10 million Btu per hour that is used solely for space heating. The Department has prepared a rule draft. The Department is accepting comments before the rule is formally proposed. The Department plans to propose the rule in winter 2003. <http://daq.state.nc.us/rules/draft/0102new2.pdf> Contact: Tom Allen (919) 733-1489

RCRA/ Adoption of Federal Standards (15A NCAC 13A.0101, .0106, .0113) The DENR is preparing to adopt amendments to its hazardous waste regulations. The amendment will add Subpart I, "Integration with Maximum Achievable Control Technology (MACT) Standards", to provide options for incinerators and cement and lightweight aggregate kilns to minimize emissions from startup. The amendment will also update the cost of the rule book and retitle a section. Contact: Jill Pafford (919) 733-4996 ext. 219

SOUTH CAROLINA

Final Rules

Adoption of Federal Drinking Water Standards (R.61-58) The Department of Health and Environmental Control (DHEC) is proposing amendments to adopt federal drinking water regulations. The amendments include: (1) adoption of the maximum contaminant level (MCL) for arsenic of 0.01 mg/L (10.0 ug/L); (2) adoption of the Long Term 1 Enhanced Surface Water Treatment Rule to control microbial pathogens; (3) monitoring and reporting requirements for arsenic; and (4) adoption of the maximum contaminant level for alachlor. Written comments are due 10/28/02. The Board of Health and Environmental Control will hold a public hearing 11/14/02. Because the Department is adopting federal standards, legislative review is not required. <http://www.scstatehouse.net/regs/2782.doc> Contact: Valerie Betterton (803) 898-4153

Proposed Rules

Water/Coastal Zone Management (R. 30-1, 30-8, 30-12) The Department is preparing to amend its regulations related to the permitting of docks and bulkheads in critical areas within the coastal zone. The amendments would: (1) clarify the recording of dock corridors on recordable plats; (2) correct a building code reference for handrails; (3) specify the structures included in the total allowable dock square footage calculation; (4) improve the language describing required water frontage for docks, including adding a definition for waterfront property; (5) clarify when bulkheads are permitted; and (6) specify additional penalty options for violations See page 22 at the following link: <http://www.lpittr.state.sc.us/register/sr26-6.doc> Contact : Debra L. Hernandez (843) 744-5838, ext. 130

Wastewater/Sewage Disposal (R.61-56) The DHEC is drafting amendments to its regulations for individual onsite wastewater disposal systems. The proposed amendment encompasses procedures and criteria for evaluation of sites, issuance of permits, and installation of individual waste disposal systems. The Department has republished the notice of drafting and has extended the comment deadline to 08/26/02. Legislative review is required for this rulemaking. See page 20 at the following link: <http://www.lpittr.state.sc.us/register/sr25-11.doc> Contact: Roger D. Scott (803) 896-0647

Environmental Program Fees (R. 61-30, 89-340, 61-62) The DHEC is preparing to amend its fees for various environmental programs. The amendments include: (1) a new drinking water permit application fee; (2) a new filing fee for air permit applications; and (3) fees for allocations used from the NOx budgets. Written comments are due 09/23/02. Contact: Michael E. Rowe (803) 896-9034

Solid Waste (Reg. 61-107.11) The DHEC is preparing amendments to its rules for Solid Waste Processing Facilities. The Department has now decided to postpone rulemaking on these amendments and has instead issued an interpretive guidance document. The amendments include: (1) renaming Regulation R.61-107.11 from "Construction, Demolition, and Land-clearing Debris Landfills" to "Inert Landfills and Structural Fill" and will encompass construction, demolition, and land-clearing debris landfills, inert industrial landfills currently addressed as Class I in R.61-107.16 (and will supersede all requirements that pertain to Class I, Appendix I industrial solid waste landfills outlined in R.61-107.16) and structural fills; (2) placing more emphasis on the waste stream and less

emphasis on the source of generation; (3) defining criteria for determining if a waste is inert and suitable for disposal in an Inert Landfill; (4) clarifying the difference between "structural fill" and "beneficial fill;" (5) deleting ambiguous language that addresses a structural fill exemption; (6) deleting Part I for short-term landfills and replacing it with new language that requires registration for structural fill activity in lieu of permitting; (7) refining the definition of "beneficial fill;" (8) renaming Part III landfills to Noncommercial Inert Landfills; (9) revising the provisions under Part III based on a revised definition of "structural fill," and to allow a waste stream based on type of waste instead of the source of generation; (10) renaming Part IV landfills to Commercial Inert Landfills; (11) revising Part IV landfills regulations allow a waste stream based on type of waste instead of the source of generation; (12) changing Part IV to include the addition of demonstration-of-need requirements pursuant to R.61-107.17, and expanding transfer of ownership and financial assurance requirements to be consistent with other regulations; (13) defining "lead-based paint" to maintain consistency with other Department regulations and Federal standards; (14) addressing the disposal of brown goods, segregated commercial waste, animal carcasses, and cathode ray tubes in the Rule's Appendices; and (15) revising and clarifying procedures for determining the separation of the groundwater table and the bottom of the disposal area, permitting and reporting requirements, and criteria for noting the existence of a disposal facility on property in the record of ownership. The Department is also considering the addition of groundwater monitoring and post-closure requirements to Parts III and IV. The regulation will also be revised to include: (1) disposal of brown goods, segregated commercial waste, animal carcasses, and cathode ray tubes; (2) procedures for determining the separation of the groundwater table and the bottom of the disposal area; (3) permitting and reporting requirements; and (4) criteria for noting the existence of a disposal facility on property in the record of ownership will be revised and clarified. The Notice of Drafting can be found on page 16 of the Register at: <http://www.lpittr.state.sc.us/register/sr26-2.doc> Contact: Robert Gill (803) 896-4210

Water Pollution Control Permits/Stormwater (Reg. 61-9) The Department is proposing amendments to its regulations regarding water pollution control permits. The amendments will: (1) change the storm water discharge requirements to provide the consolidation of control criteria for sediment and erosion control and to supplement other changes published in the State Register and effective July 27, 2001, which resulted from the promulgation of Federal Phase II regulations (Federal Register [FR] December 8, 1999); (2) establish requirements to enhance the viability of wastewater facilities; (3) establish requirements for standard NPDES permit language and/or conditions; (4) establish requirements related to operation and maintenance of wastewater facilities; (5) clarify the application of fecal coliform limits for land application and/or surface waters; (6) make miscellaneous administrative changes such as minor permit modifications, revision to permit-transfer provisions, and authorization of a permit reopener; (7) require control odor with domestic and industrial sludge treatment and discharge; and (8) require wastewater discharge permittees post a sign with the location of their outfall. The Department will hold an information forum 10/30/02. Written comments are due 10/30/02. The Board of Health and Environmental Control will hold a public hearing 12/12/02. The proposed rule will require legislative review. <http://www.scstatehouse.net/regs/2783.doc> Contact: Andrew Yasinsac (803) 898-4237

TENNESSEE

Proposed Rules

RCRA/Hazardous Waste Fees (*Rules of the TDEC Chapter 1200-1-11*) The Tennessee Department of Environment and Conservation (TDEC) is proposing amendments to its hazardous waste regulations related to fees to include base dollar amounts in addition to a dollar amount assessed on each pound of hazardous waste. The amendments include changes to: (1) permit fees for transporters, storage, and disposal facility (TSD) activities related to response to accidental discharges requiring remedial investigations and onsite treatment; (2) TSD installation identification number application fee; (3) TSD annual maintenance fees; (4) hazardous waste tipping fee; (5) generator fees; and (6) special report fees. The proposed rule was revised and sent to the Attorney General Office for final review. Expected to become effective 10/8/02 See Register page 76 (Page 82 of 105 in the Adobe Acrobat file) <http://www.state.tn.us/sos/pub/tar/2002-05.pdf> Contact: Gerald "Jerry" E. Ingram (615) 532-0850

CAA New Source Review (Rule 1200-3-16-.01) The TDEC is proposing to amend Rule 1200-3-16-.01, which requires the Technical Secretary shall establish on all construction and operating permits, New Source Standards and Requirements for air contaminant sources subject to the New Source Performance Standards (NSPS). The term "New Source Standards and Requirements" means a standard for emissions of air contaminants, which reflects the degree of emissions limitation achievable through the application of the best system of emission reduction, which

(taking into account the cost of achieving such reductions and any non-air quality health and environmental impact and energy requirements) the Technical Secretary determines has been adequately demonstrated. Under no circumstances shall the Technical Secretary's determination be less stringent than the federal requirements. The regulation is still undergoing review by the Attorney General Office. Once the review is completed and the proposal is filed with the Secretary of State's office, the Secretary of State has 75 days to review and file the final rule. Register page 84 (Page 91 of 199 in the Adobe Acrobat file): <http://www.state.tn.us/sos/pub/tar/2000-08.pdf> Contact: Malcolm Butler (615) 532-0600

CAA Title V Permits (Ch. 1200-3-9-.01) The TDEC is proposing to amend its regulations for the air construction and operating permit program. The amendments include: (1) increasing the major stationary source threshold for municipal incinerators from 50 tons of refuse per day to 250 tons; (2) amending the definition of "major modification" to exempt pollution control projects, use of clean coal technologies, and reactivation of very clean coal-fired electric utility steam generating units from the definition; (3) amending the definition of "actual emissions" for electric utility steam generating units; (4) adding a definition of "electric utility steam generation unit"; (5) adding a definition of "pollution control project"; (6) adding a definition of "representative actual annual emissions"; (7) adding definitions of "clean coal technology", "clean coal technology demonstration project", and "temporary clean coal technology demonstration project"; (8) adding a definition of "repowering"; and (9) adding a definition of "reactivation of a very clean coal-fired electric utility steam generating unit". The regulation is still undergoing review by the Attorney General Office. Once the review is completed and the proposal is filed with the Secretary of State's office, the Secretary of State has 75 days to review and file the final rule. Register page 30 (Page 36 of 144 in the Adobe Acrobat file) <http://www.state.tn.us/sos/pub/tar/2001-07.pdf> Contact: John D. Patton (615) 532-0554

CAA/Opacity (Rule 1200-3-4-.04) The TDEC is proposing to amend its restrictions against open burning of rubber products by creating an exception for firefighting training. The amendment creates an exception for incidental rubber products such as plumbing, wire insulation, and door frames incorporated into a structure. It does not exempt the burning of buildings where rubber or plastic is used as exterior siding or structural load-bearing elements. The board approved the rule, and now it must go to the Office of General Counsel, then to the Attorney General and then to the Secretary of State. Staff has no estimates for an effective date. Register page 46 (Page 52 of 97 in the electronic version): <http://www.state.tn.us/sos/pub/tar/2002-06.pdf> Contact: Malcolm Butler (615) 532-0600

SDWA/Drinking Water (Ch. 1200-5-1) The TDEC is proposing to adopt USEPA's Long Term 1 Enhanced Surface Water Treatment Rules promulgated 01/14/02. The rule increases microbial protection from viruses, bacteria, and protozoa by requiring greater turbidity control for public water systems serving 10,000 or fewer persons beginning 01/14/05. The Department will present the proposed rule to the board in October 2002. The rule then goes to the General Counsel and Attorney General. The Staff indicates an effective date of spring 2003. <http://www.state.tn.us/environment/dws/LT1ESWTR.pdf> Contact: Robert L. Foster (615) 532-0155

CAA Permit Standards (Rule 1200-3-9-.03(8)) The TDEC is proposing to add a new provision specifying that issuance of a permit containing federal standards does not repeal by implication applicable state standards. In other words, the new provisions clarify that the inclusion of conditions containing federal requirements that are less restrictive than the Department's requirements concerning the same matter does not cause a relaxation of the Department's requirements. Contact: John D. Patton (615) 532-0554

CAA Title V Permit Fees (TCA 68-201-105 and 4-5-201 et seq.) The TDEC is proposing to amend construction and annual emission fees. The rate at which major source actual based annual emission fees are assessed at \$28.00 per ton for the annual accounting period of July 1, 2002 to June 30, 2003. The rate at which major source allowable based annual emission fees are assessed at \$17.00 per ton for the annual accounting period of July 1, 2002 to June 30, 2003. These annual rates shall be supported by the Division's annual workload analysis that is approved by the Board. A public hearing is scheduled for November 18, 2002. Written comments are due November 18, 2002. See pp. 151-153 <http://www.state.tn.us/sos/pub/tar/2002-10.pdf> Contact: Malcolm Butler (615) 532-0600

Hazardous Waste Management (TCA 68-212-106, 68-212-107, 68-212-108, 68-212-109, 68-212-110 and 68-212-114 et seq.) The TDEC is proposing changes to Hazardous Waste Management and Commercial Hazardous Waste Management Facilities. These changes are in response to revisions and additions published in the Federal Registers that the EPA made between October 3, 2001 and April 9, 2002 to the corresponding Federal Regulations. Three inorganic chemical manufacturing wastes, K176, K177, and K187, are being added to the list of hazardous

wastes. The Corrective Action Management Unit (CAMU) rule is being amended to facilitate cleanups. Emissions standards vacated by the U.S. Court of Appeals are being temporarily replaced until final standards can be established. Mineral processing characteristics byproducts and sludges are being reclaimed as solid waste and Toxicity Characteristic Leaching Procedure (TCLP) is disallowed to be used for determining whether gas plant (MGP) wastes is hazardous are being implemented. The Division has prepared an initial set of draft rules for public review and comment. It is required that all fees and penalties owed to the Department by an applicant be paid or at least current, if payments are being made, prior to a permit or other authorization being issued. Small Quantity Handlers of universal waste are also being required to follow the same "Tracking Universal Waste Shipments: procedures set forth for Large Quantity Handlers. A public rulemaking hearing is scheduled for November 19, 2002. The DRAFT rules may be accessed for review using <http://www.state.tn.us/environment/swm/swmppo/rules902htm>

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SOUTHERN REGION REVIEW

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